

1 BILL NO. G-88-06-12

2
3 GENERAL ORDINANCE NO. G-

26-88

4 AN ORDINANCE amending the Thoroughfare
5 Plan of the City Comprehensive ("Master")
6 Plan by vacating an alley thereof.

7 WHEREAS, a petition to vacate a public alley within the
8 City of Fort Wayne (as more specifically described below)
9 was duly filed with the City Planning Commission; and

10 WHEREAS, said Commission duly held a public hearing
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its
13 recommendation to this body approving said petition, all in
14 accordance with I.C. 36-7-4-512(2) and this body having held
15 a public hearing on said vacation as provided in I.C. 36-7-
16 4-12; and

17 WHEREAS, this body concurs in the recommendation of the
18 City Planning Commission.

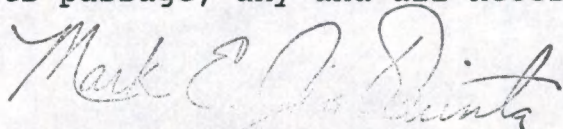
19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to vacate a
22 public alley within the City of Fort Wayne, more
23 specifically described as follows, to-wit:

24 The right-of-way between Edsall Avenue and
25 Birchwood Avenue from the North property line of
26 Schele Avenue to the South property line of the
27 first alley south of New Haven Avenue.

28 and which vacating amends the Thoroughfare Plan of the City
29 Comprehensive ("Master") Plan and is hereby approved in all
30 respects.

31 SECTION 2. That this Ordinance shall be in full force
32 and effect from and after its passage, any and all necessary
approval by the Mayor.



COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on _____,
the _____ day of _____, 1988,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Dr. Jants, seconded by Dr. Jants, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____, M., E.S.T.

DATE: 6-14-88

Midge E. Kennedy
SANDRA E. KENNEDY, CITY CLERK
Deputy

Read the third time in full and on motion by Redd, seconded by Redd, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u> </u>	<u>1</u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 9-13-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 9-26-88 on the 13th day of September, 1988,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of September, 1988, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of September, 1988, at the hour of 12:50 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 2778

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND.,

19

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$

100

DOLLARS

AUTHORIZED SIGNATURE

PETITION TO VACATE ALLEY

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The Undersigned petitioners, do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following alley right-of-way within the City of Fort Wayne, Indiana, and hereby described as follows:

The right-of-way between Edsall Avenue and Birchwood Avenue from the North property line of Schelle Avenue to the South property line of the first alley south of New Haven Avenue.

In support thereof, your petitioners would represent as follows:

1. That they are owners of real estate bordering the alley described above on both sides of same.
2. That the alley is not necessary as ingress or egress to other properties whatsoever.
3. That said alley is unimproved.
4. That no other person, firm or corporation is interested in or affected by the requested vacation.
5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof to vacate same.

Your petitioners file this petition pursuant to the authority granted in the Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

Wherefore, your petitioners pray that the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 20 DAY OF May 1988

Bernard J. Frankenstein

Adjacent Property Owner's Signature

Petitioner's Signature

Hannah E. Zacher

Adjacent Property Owner's Address

Petitioner's Address

Lester E. Frankenstein

Adjacent Property Owner's Signature

Petitioner's Signature

Adjacent Property Owner's Address

5609 Smith St 744-5687
Agent's Name & Address

Frank A. Paige
Frank Paige, President
Adam and Bruce Housing Corp.

RESOLUTION 77-314-24

WHEREAS, BERNARD FRANKENSTEIN, LESTER FRANKENSTEIN and HANNA ZACHER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

The right-of-way between Edsall Avenue and Birchwood Avenue from the North property line of Schele Avenue to the South property line of the first alley south of New Haven Avenue.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.


BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Anaeta S. Berheimmer, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held August 3, 1988 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 3rd DAY OF August 1988
FORT WAYNE BOARD OF PUBLIC WORKS

Angela S. Derheimer
Director of Public Works


Gregory Purcell
Director of Community Development & Planning

C. David Silletto
Director of Administration & Finance

RESOLUTION

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The right-of-way between Edsall Avenue and Birchwood Avenue from the North property line of Schele Avenue to the South property line of the first alley south of New Haven Avenue.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 20, 1987 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.


BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held June 27, 1988, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 9 DAY OF August 1988
FORT WAYNE CITY PLAN COMMISSION


Robert Huther
Secretary

ORIGINAL

ORIGINAL

DIGEST SHEET

Alley Vacation Ordinance

TITLE OF ORDINANCE

DEPARTMENT REQUESTING ORDINANCE

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE

A North/South alley South of New Haven Avenue, North of

Schele Avenue, between Birchwood Avenue and Edsall Avenue.

5-88-0612

EFFECT OF PASSAGE

Property is presently dedicated right-of-way. Property

would be vacated and revert to the use of the adjacent property owners.

EFFECT OF NON-PASSAGE

Property would remain dedicated right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

Division of Community Development & Planning

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

North/South alley south of New Haven Av,
North of Schele Av, between Birchwood &
Edsall Avenues.

Reason for Project

Future development of multi-family
housing project.

Discussion (Including relationship to other Council actions)

20 June 1988 - Public Hearing

Melvin Johnson, along with Frank Paige the president of the Adams & Bruce Housing Corporation appeared before the Commission. Mr. Johnson stated that they are following one of the City's recommendations to vacate the alley which crosses through the property where they plan to locate a HUD 202 Section 7 housing apartment complex for the elderly and handicapped.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

27 June 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, subject to petitioners providing utility easements as needed. Motion carried.

Of the eight (8) members present seven (7) voted in favor of the motion one did not vote.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)
Bernard & Lester Frankenstein
Hanna Zacher
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date

20 May 1988

Projected Completion or Occupancy

Date

9 August 1988

Fact Sheet Prepared by

Patricia Biancaniello

Date

9 August 1988

Reviewed by

Date

15 August 1988

Reference or Case Number

BILL NO. G-88-06-12

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the
Thoroughfare Plan of the City Comprehensive ("Master")
Plan by vacating an alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
Mark E. GiaQuinta CHAIRPERSON
Charles B. Redd MARK E. GIAQUINTA
VICE CHAIRMAN
David C. Long CHARLES B. REDD
DAVID C. LONG
Paul M. Burns PAUL M. BURNS

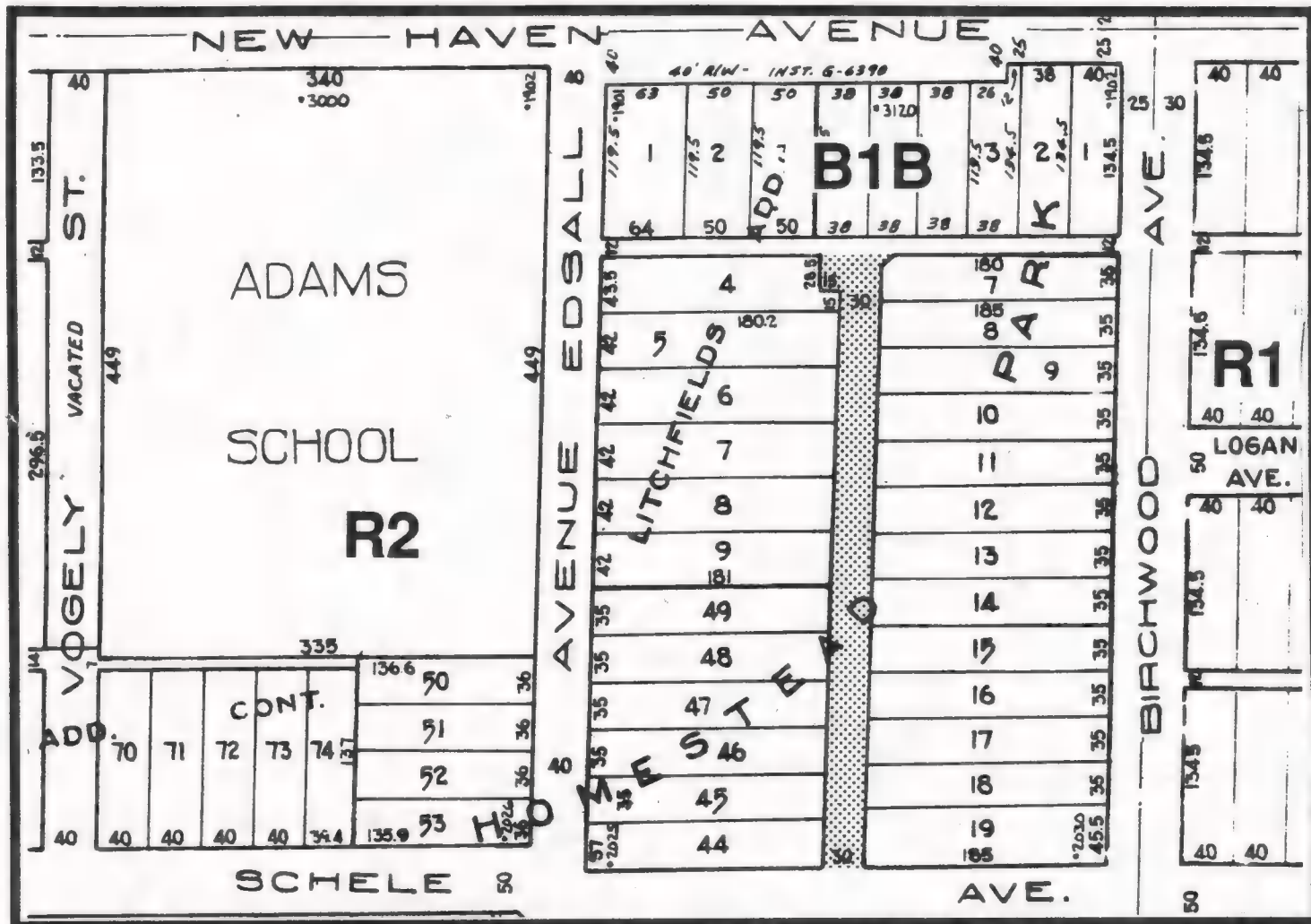
CONCURRED IN 9-13-88

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

A PETITION TO VACATED THE DESCRIBED PUBLIC ALLEY.

MAP NO. Q-3

COUNCILMANIC DISTRICT NO. 1

**ZONING:**

R2 RESIDENTIAL DISTRICT

B1B LIMITED BUSINESS "B"

R1 RESIDENTIAL DISTRICT

LAND USE:

☐ SINGLE FAMILY☐ **COMMERCIAL**

SCALE: 1"=200'

DATE: 6-3-88





THE CITY OF FORT WAYNE

August 23, 1988

Ms. April Minnick
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Minnick:

Please give the attached full coverage on the date of August 27, 1988, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-88-06-12
Alley vacation

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-88-06-12

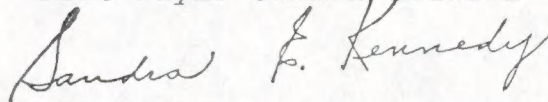
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, September 13, 1988, at 7:00 P.M. (EST) in Room 128, Common Council Conference Room, City-County Bldg., One Main Street, Fort Wayne, Indiana, more particularly described as follows:

North/South alley South of New Haven Avenue,
North of Schele Avenue, between Birchwood
Avenue and Edsall Avenue - Property will remain
dedicated right-of-way. Alley Vacation

The right-of-way between Edsall Avenue and
Birchwood Avenue from the North property line
of Schele Avenue to the South property line
of the first alley south of New Haven Avenue

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

A handwritten signature in dark ink, appearing to read "Sandra E. Kennedy". The signature is fluid and cursive, with the first name "Sandra" being more prominent than the last name "Kennedy".

Sandra E. Kennedy
City Clerk

All America City



Most Livable City

THE CITY OF FORT WAYNE

August 22, 1988

Frank Paige
5609 Smith Street
Fort Wayne, Indiana 46806

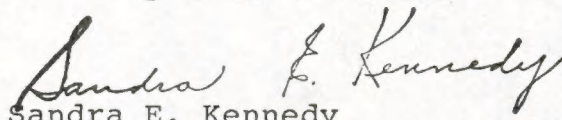
NOTICE OF PUBLIC HEARING ON BILL NO. G-88-06-12

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, September 13, 1988, at 7:00 P.M., (EST) in the Common Council Conference Room 128, 1st Floor, City-County Bldg. One Main Street, Fort Wayne, Indiana, on the following:

The right-of-way between Edsall Avenue and Birchwood Avenue from the North property line of Schele Avenue to the South property line of the first alley south of New Haven Avenue

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council


Sandra E. Kennedy
City Clerk

Ft. Wayne Common Council

(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100Fort Wayne, INAllen

County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

317424

COMPUTATION OF CHARGES

24 lines, 1 columns wide equals 24 equivalent lines
at .330 cents per line

\$ 7.92

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 9.92

DATA FOR COMPUTING COST

Width of single column 12.5 emsNumber of insertions 1Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: August 27, 19 88

Title:

Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time _____, the dates of publication being as follows:

8/27/88Subscribed and sworn to before me this 27th day of August, 19 88

Shelley R. LaRue
Notary Public
March 3, 1990

My commission expires:

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-88-06-12
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North/South alley South of New Haven Avenue, North of Schele Avenue, between Birchwood Avenue and Edsall Avenue - Property will remain dedicated right-of-way. Alley Vacation
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All interested parties are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Ft. Wayne Common Council
(Governmental Unit)To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

3

Body -- number of lines

17

Tail -- number of lines

4

Total number of lines in notice

24

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State of Indiana)

) ss:

Allen County)

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8/27/88

Subscribed and sworn to before me this 27th day of August, 1988.Shelley R. LaRue
Notary Public

Shelley R. LaRue

My commission expires: March 3, 1990NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-88-06-12

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Fort Wayne Common Council
Sandra E. Kennedy
City Clerk